

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 985 Jeffrey Road, Del Mar, CA 92014

Address of Defendant: 916 Grandview Drive, Exton, PA 19341

Place of Accident, Incident or Transaction: Pennsylvania and Delaware

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: Judge Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, _____, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: _____

Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: October 7, 2009

Attorney-at-Law

200068

Attorney I.D.#

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

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200068

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APPENDIX G

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

Robert K. Vicino
Fractional Villas, Inc.
V. Plaintiffs
David Lucas
Lucas & Associates, LLC
Defendants

Civil Action

No: _____


DISCLOSURE STATEMENT FORM

Please check one box:

- ☒ The nongovernmental corporate party, Fractional Villas, Inc., in the above listed civil action does not have any parent corporation and publicly held corporation that owns 10% or more of its stock.
- ☐ The nongovernmental corporate party, _____, in the above listed civil action has the following parent corporation(s) and publicly held corporation(s) that owns 10% or more of its stock:

October 7, 2009

Date


Signature

Counsel for: _____ Plaintiffs

Federal Rule of Civil Procedure 7.1 Disclosure Statement

- (a) WHO MUST FILE; CONTENTS. A nongovernmental corporate party must file two copies of a disclosure statement that:
- (1) identifies any parent corporation and any publicly held corporation owning 10% or more of its stock; or
 - (2) states that there is no such corporation.
- (b) TIME TO FILE; SUPPLEMENTAL FILING. A party must:
- (1) file the disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court; and
 - (2) promptly file a supplemental statement if any required information changes.

APPENDIX G

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

Robert K. Vicino
Fractional Villas, Inc.
V. Plaintiffs
David Lucas
Lucas & Associates, LLC
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Civil Action

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Counsel for: _____ Plaintiffs

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Robert K. Vicino
Fractional Villas, Inc.

(b) County of Residence of First Listed Plaintiff San Diego, CA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number) Paul & Paul
2000 Market Street, Suite 2900
Philadelphia, PA 19103 (215) 568-4900

DEFENDANTS

David Lucas
Lucas & Associates, LLC

County of Residence of First Listed Defendant Chester, PA
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known) Kevin W. Goldstein, Esq.
Stradley Ronon Stevens & Young, LLP
2600 One Commerce Square
Philadelphia, PA 19103

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|---------------------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input checked="" type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

17 U.S.C. §§ 101 et seq. 15 U.S.C. § 1125

Brief description of cause:

Copyright infringement, False advertising

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE October 7, 2009

SIGNATURE OF ATTORNEY OF RECORD

Acty

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Robert K. Vicino	:	CIVIL ACTION
Fractional Villas, Inc.	:	
v.	:	
David Lucas	:	
Lucas & Associates, LLC	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>October 7, 2009</u>	<u>Antranig Baronian</u>	<u>Plaintiff</u>
Date	Attorney-at-law	Attorney for
<u>215-568-4900</u>	<u>215-567-5057</u>	<u>abaronian@paulandpaul.com</u>
Telephone	FAX Number	E-Mail Address

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

	:	
ROBERT K. VICINO, an individual, and	:	
FRACTIONAL VILLAS, INC., a California	:	
Corporation	:	
Plaintiffs,	:	CIVIL ACTION 09-CV-_____
	:	
v.	:	
	:	
DAVID LUCAS, an individual and	:	
LUCAS & ASSOCIATES, LLC,	:	
a Pennsylvania Limited Liability Company	:	
Defendants	:	
	:	

COMPLAINT

Now come Plaintiffs, Robert K. Vicino and Fractional Villas, Inc., by its attorneys, and for their complaint against Defendants, David Lucas and Lucas and Associates, LLC, alleges as follows:

PARTIES

1. Plaintiff, Fractional Villas, Inc. (hereinafter "FVI"), is a California corporation having its principal place of business at 985 Jeffrey Road, Del Mar, CA 92014.
2. Plaintiff, Robert K. Vicino (hereinafter "Vicino"), is an individual residing in Del Mar, CA.
3. Upon information and belief, defendant, David Lucas (hereinafter "Lucas"), is an individual residing at 916 Grandview Drive, Exton, PA 19341.

4. Upon information and belief, defendant, Lucas & Associates, LLC (hereinafter L&A), is a Pennsylvania limited liability company.

JURISDICTION

5. This action arises under the Copyright Laws of the United States, 17 U.S.C. §§ 101 *et seq.*

6. This Court has jurisdiction over the subject matter of the causes of action stated herein pursuant 28 U.S.C. §§ 1331 and 1338.

7. Upon information and belief, Lucas is a resident of the Commonwealth of Pennsylvania and L&A, is a Pennsylvania limited liability company which conducts business within this judicial district, and is subject to the personal jurisdiction of this Court, pursuant to the laws of the Commonwealth of Pennsylvania and the Federal Rules of Civil Procedure.

8. Venue in this Court with regard to Lucas and L&A is proper pursuant to 28 U.S.C. § 1391(b) and 28 U.S.C. § 1400(a).

BACKGROUND

9. Vicino is the author of the works entitled "Fractional Villas.com website (www.fractionalvillas.com)", Copyright Registration No. TX-6-613-055 ("the Copyright"). A certified copy of the registration is attached as Exhibit A. FVI is the Copyright Claimant. The Copyright was filed October 11, 2007, and the registration became effective the same date. The works pertain to a website offering fractional ownership in luxury properties. Both the website content and source code are protected by the Copyright.

10. The works protected by Copyright Registration No. TX-6-613-055 are works of authorship fixed in a tangible medium of expression that contain a substantial amount of

material created by the skill, labor, and judgment of Vicino that was first published on October 5, 2007.

11. The works protected by Copyright Registration No. TX-6-613-055 are derivative works of prior versions. The prior versions were first published at least by March 27, 2005.

12. The Copyright is licensed solely and exclusively by Vicino to FVI, which markets, advertises, and sells fractional ownership in luxury properties through www.fractionalvillas.com. FVI sublicenses and/or authorizes the use of certain content protected by the Copyright to other individuals and/or organizations by separate agreement.

13. The Fractional Villas website includes sections that explain fractional ownership, the rights and obligations of owners, costs, how properties are furnished, how use of a property is managed among co-owners, and answers to frequently asked questions. The bottom of each page on the website includes a clear and conspicuous notice of copyright registration.

14. Between 2006 and 2008, Lucas was President of a Pennsylvania limited liability company, Lucas & Associates, LLC.

15. In 2006, Lucas was approached by Larry DiSabatino, the owner of property in Delaware, seeking consultation for starting a business that sells and manages fractional ownership properties.

16. On December, 29, 2006, Lucas and Larry DiSabatino entered into a Statement of Work ("SOW") which was an agreement that outlined the services that Lucas would provide in developing a business plan. Under the "Technical Environment" section of the SOW, Lucas agreed to provide a marketing plan that included a website strategy, design and functional requirements.

17. A first formal meeting between Lucas and Larry DiSabatino was held on January 22, 2007.

18. In preparation of the January 22, 2007 meeting, Lucas copied portions of Plaintiff's copyrighted work and pasted them into a word document entitled "Delmarva Resorts Website."

19. A copy of Delmarva Resorts Website was attached to an email to Larry DiSabatino prior to the meeting on January 22, 2007 and described as follows by Lucas:

"I have outlined a website strategy that includes navigational tabs and content. I have purposely erred on the side of too much information as I believe it is easier to take things out of a website than put things in (content). Please review for ease of understanding. The next step will be to provide this document to a web designer who can create the appropriate supporting visual effects, imagery, sound, etc to support our initiative."

20. Lucas received \$15,000 in February 2007 upon completion of the work specified in the SOW.

21. From February 2007 until April 2007, Larry DiSabatino periodically contacted Lucas for his opinion on website designs.

22. The content of the Delmarva Resorts Website document was ultimately incorporated, or significant portions thereof into a website for Larry DiSabatino's fractional property business, <http://www.coastalresorthomes.com>.

23. Neither Larry DiSabatino, nor Lucas obtained permission from Vicino or FVI to use any portion of the Copyright protected work.

24. DiSabatino's website was indexed by major search engines Google and Yahoo, and broadcast worldwide in response to key word searches, and thus was in direct competition with Vicino's original work for visitors and buyers. FVI's business and reputation were irreparably harmed by the confusion caused by the dual publication of the infringed material through web search engine results from Google, Yahoo, et al.

COUNT I - COPYRIGHT INFRINGEMENT

25. Plaintiffs repeat and reallege paragraphs 1-24 of this Complaint and in addition allege:

26. Defendants reproduced the work protected by the Copyright and incorporated that work, or significant portions thereof, into a website marketing plan produced in connection with consultation services for the Defendants' client who ultimately copied the work, or significant portions thereof, onto the client's Internet site.

27. By committing the acts alleged herein, including but not limited to reproducing the work protected by the Copyright and incorporating that work, or significant portions thereof, into a website marketing plan for use on a client's Internet site, Defendants have infringed, induced, and/or contributed to the infringement of the Copyright.

28. Upon information and belief, Plaintiffs allege that Defendants' infringement, inducement of infringement, and/or contributory infringement of the Copyright has been willful, deliberate, knowing, and with wanton disregard of Plaintiff's ownership of the Copyright.

29. Upon information and belief, Plaintiffs allege that Defendants will continue to infringe, continue to induce others to infringe, and/or continue to contributorily infringe the Copyright to Plaintiffs' irreparable damage unless enjoined by this court.

30. Plaintiffs have been damaged by the foregoing infringing acts of Defendants. The exact amount of such damages can be determined upon an accounting.

WHEREFORE, Plaintiffs pray to this Court:

(A) That a permanent injunction be granted perpetually enjoining Defendants from further infringement of U.S. Copyright Registration No. TX-6-613-055;

(B) That a judgment be entered that Defendants have infringed, actively induced others to infringe, and/or contributorily infringed U.S. Copyright Registration No. TX-6-613-055;

(C) That a judgment be entered that Defendants be required to pay over to Plaintiffs all damages sustained by Plaintiffs due to Defendant's intentional, willful, and malicious infringement of U.S. Copyright Registration No. TX-6-613-055;

(D) That all gains, profits, and advantages derived by Defendants from their acts of infringement and other violations of law be deemed held in constructive trust for the benefits of Plaintiffs;

(E) That Defendants, and each of them, account to Plaintiffs for their profits and any damages sustained by Plaintiffs arising from the foregoing acts of infringement;

(F) That punitive damages be awarded;

(G) That costs and prejudgment interest be awarded on all damages;

(H) That Plaintiffs be awarded their attorneys' fees as available under the Copyright Act, 17 U.S.C. § 505;

(I) That an order be entered requiring Defendants to deliver up to be impounded during the pendency of this action all copies of copyrighted material in the Defendants' possession and infringing U.S. Copyright Registration TX-6-613-055; and

(J) That Plaintiffs be awarded such other and further relief as the court deems appropriate.

COUNT II – UNFAIR COMPETITION

31. Plaintiffs repeat and reallege paragraphs 1-30 of this Complaint and in addition allege:

32. This court has jurisdiction of this action under its supplemental jurisdiction authority pursuant to 28 U.S.C. § 1338(b) to hear Plaintiff's related federal claim of unfair

competition that arises out of the same operative facts as the federal copyright infringement claim set forth above.

33. Upon information and belief, Plaintiffs allege that Defendants use of Plaintiff's copyrighted content in the Delmarva Resorts Website document and subsequent posting on <http://coastalresorthomes.com> resulted in a false or misleading description of fact in a commercial advertising and constitutes unfair competition under the Trademark Act, 15 U.S.C. § 1125(a).

34. By reason of the conduct alleged herein, Defendants are guilty of malice, oppression, and willful disregard of the rights of Plaintiffs.

35. As a direct and proximate cause of Defendants' wrongful conduct, Plaintiffs have sustained and will sustain injury to their business and property in an amount not yet precisely ascertainable but including the loss of sales of their products and loss of reputation and goodwill.

WHEREFORE, Plaintiffs pray to this Court:

- (A) That a judgment be entered that Defendants have supplied a false or misleading description of fact in a commercial advertising or promotion, which misrepresents the characteristics of Larry DiSabatino's goods and/or services;
- (B) That a judgment be entered that Defendants be required to pay over to Plaintiffs all damages sustained by Plaintiffs due to Defendants' misrepresentations;
- (C) That all gains, profits, and advantages derived by Defendants from their misrepresentations and other violations of law be deemed held in constructive trust for the benefits of Plaintiffs;
- (D) That Defendants, and each of them, account to Plaintiffs for their profits and any damages sustained by Plaintiffs arising from the foregoing acts, costs of

this action and an award of attorneys' fees as available under the Trademark Act,

15 U.S.C. § 1117(a);

(E) That punitive damages be awarded;

(F) That prejudgment interest be awarded on all damages; and

(G) That Plaintiffs be awarded such other and further relief as the court
deems appropriate.

ROBERT K. VICINO.
FRACTIONAL VILLAS, INC.



Dated: October 6, 2009

BY: _____

ALEX R. SLUZAS, ESQ.
Pennsylvania Atty. No. 39931
ANTRANIG BARONIAN, ESQ.
Pennsylvania Atty. No. 200068
ATTORNEYS FOR PLAINTIFFS

PAUL & PAUL
Two Thousand Market Street
Suite 2900
Philadelphia, PA 19103
(215) 568-4900

Exhibit A



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters
Register of Copyrights, United States of America

Form TX
For a Nondramatic Literary Work
UNITED STATES COPYRIGHT OFFICE

REGIST TX 6-613-055



EFFECTIVE DATE OF REGISTRATION

Month Oct Day 11 Year 2007

ATTACH CONTINUATION SHEET.

1

TITLE OF THIS WORK

Fractional Villas.com website (<http://www.fractionalvillas.com>)

PREVIOUS OR ALTERNATIVE TITLES

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work

If published in a periodical or serial give: Volume Number Issue Date On Pages

2

NAME OF AUTHOR

a Robert K. Vicino

Was this contribution to the work a "work made for hire?"

☐ Yes
☒ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of USA
Domiciled in USA

DATES OF BIRTH AND DEATH

Year Born Year Died
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WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No
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If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.
Internet website including all associated pages, text, photographs, design, code, and graphics.

NAME OF AUTHOR

b

Was this contribution to the work a "work made for hire?"

☐ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of
Domiciled in

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Year Born Year Died

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NAME OF AUTHOR

c

Was this contribution to the work a "work made for hire?"

☐ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE

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3

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

2007

This information must be given in all cases.

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published. Month October Day 5 Year 2007
USA

Nation

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2.

* ~~Robert K. Vicino~~ * Fractional Villas, Inc.
985 Jeffrey Road
Del Mar, CA 92014

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

Transfer of all rights of copyright to Fractional Villas, Inc. by Robert K. Vicino. The company is majority owned by Robert K. Vicino.

APPLICATION RECEIVED
OCT 11 2007

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OCT 11 2007
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• Complete all applicable spaces (numbers 5-6) on the reverse side of this page.
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• Sign the form at line 8.

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Page 1 of 2 pages

NOTE
Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

*Amended by CO Authority Telephone Call
on 10/25/07 with Robert K. Vicino.

**Amended by CO per email received on
10/25/07 from Robert K. Vicino.

EXAMINED BY

FORM TX

CHECKED BY

CORRESPONDENCE

Yes

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COPYRIGHT
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DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼

a. ☐ This is the first published edition of a work previously registered in unpublished form.

b. ☐ This is the first application submitted by this author as copyright claimant.

c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▶

Year of Registration ▶

5

DERIVATIVE WORK OR COMPILATION

Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

Prior versions of the <http://www.fractionalvillas.com> website, which was first published on March 27, 2005

a

6

See instructions
before completing
this space.

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

Numerous html code, text, ~~graphics~~, graphic, photographic and ~~layer modifications~~ have been made and updated since the original publication, on an ongoing and continuous basis.

b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account. Name ▼ Account Number ▼

a

7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/Zip ▼

b

Fractional Villas, Inc., Attn: Robert K. Vicino
985 Jeffrey Road
Del Mar, CA 92014

Area code and daytime telephone number ▶ 619-252-8311

Fax number ▶ 858-228-1772

Email ▶ rvicino@fractionalvillas.com

CERTIFICATION* I, the undersigned, hereby certify that I am the

Check only one ▶

☒ author☐ other copyright claimant☐ owner of exclusive right(s)☐ authorized agent of

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

8

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Robert K. Vicino

Date ▶ 10/05/2007

Handwritten signature ▼

Certificate
will be
mailed in
window
envelope
to this
address:

Name ▼

Robert K. Vicino

Number/Street/Apt ▼

985 Jeffrey Road

City/State/Zip ▼

Del Mar, CA 92014

YOU MUST

- Complete all necessary spaces
- Sign your application in space 8

SEND ALL 3 ELEMENTS
IN THE SAME PACKAGE:

1. Application form
2. Nonrefundable filing fee in check or money order payable to Register of Copyrights
3. Deposit material

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